

Remarks

In the Office Action, the Examiner noted that claims 1-6 and 10-16 are pending in the application; and that claims 1-6 and 10-16 are rejected. By this amendment, claims 1, 3, 4, 6 and 10 have been amended, and claims 14-16 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Thus, claims 1-6 and 10-13 are pending in the application. No new subject matter has been inserted through these amendments. All of the amendments are fully supported by the specification and are further discussed below. The Examiner's rejections are respectfully traversed below.

***Rejection Under 35 U.S.C. § 112, First Paragraph***

Claims 1-6 and 10-16 stand rejected under 35 U.S.C. 112, First paragraph, because the Examiner alleges that the specification does not reasonably provide enablement for making solvates of the claimed invention.

However, as noted above, claims 1, 6 and 10 have been amended by deleting the phrase "hydrate or solvate," thus obviating this rejection. Also, as noted above, claims 14-16 have been canceled without prejudice. As to the remainder of claims 2-5 and 11-13 depend directly or indirectly upon amended claim 1 and do not recite any hydrate or solvate. Accordingly, withdrawal of rejection as to claims 1-6 and 10-16 is respectfully requested.

***Rejection Under 35 U.S.C. § 112, First Paragraph***

Claims 14-16 stand rejected under 35 U.S.C. 112, First paragraph, because the Examiner alleges that the specification does not enable the instant compounds to treat all diseases as recited therein.

However, as noted above, claims 14-16 have been canceled without prejudice rendering this rejection moot. Accordingly, withdrawal of rejection as to claims 14-16 is respectfully requested.

Application Ser. No.: 10/516,808  
Filing Date: December 3, 2004  
Examiner: Leeser, Erich A.

### ***Rejection Under 35 U.S.C. § 112, Second Paragraph***

Claims 3-4 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the Examiner alleges that claims 3-4 recite relative claim language, "these functions may be protected," which renders these claims indefinite. However, claims 3 and 4 have been amended to remove said phrase rendering this rejection moot. In addition, the Examiner also states that the phrase "where appropriate" is also indefinite, said phrase has also been deleted from claims 3 and 4 rendering the rejection moot. In view of the foregoing, it is submitted that claims 3-4, as amended, fully satisfy the requirements of 35 USC 112, 2<sup>nd</sup> paragraph. Accordingly, withdrawal of rejection as to claim 3 and 4 is respectfully requested.

### ***Conclusions***

In view of the above Remarks, it is respectfully submitted that claims 1-6 and 10-13 are now in condition for allowance and the early issuance of this case is respectfully requested. In the event the Examiner wishes to contact the undersigned regarding any matter, please call (collect if necessary) the telephone number listed below.

Applicants believe there are no fees due for this Rule 111 Amendment. However, if the Examiner deems that fees are due, please charge these fees to Deposit Account No. **18-1982** for sanofi-aventis U.S. LLC, Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**.

July 3, 2007

Respectfully submitted,



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